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ZNY CCCCC ZZH
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FM AMEMBASSY BANGKOK
TO RUEHC/SECSTATE WASHDC PRIORITY 4170
INFO RUEHVN/AMEMBASSY VIENTIANE 3108
RUEHGV/USMISSION GENEVA 1753

C O N F I D E N T I A L BANGKOK 000360

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E.O. 12958: DECL: 01/10/2017
TAGS: [PREF](#) [PREL](#) [PHUM](#) [TH](#) [LA](#)
SUBJECT: CONTINUING DEADLOCK ON PETCHABOON HMONG

REF: A. 06 VIENTIANE 1205

[1](#)B. 06 VIENTIANE 1232
[1](#)C. 06 VIENTIANE 1234
[1](#)D. VIENTIANE 0012

Classified By: Susan Sutton, Political Counselor, Reasons 1.4
(B, D).

[1](#)1. (C) Summary. The recent arrest and threatened deportation to Laos by the RTG of 152 Lao-Hmong is a reflection of the larger, and so far intractable Petchaboon Hmong situation. A sizeable majority of the approximately 7,500 Hmong at Petchaboon are likely from Laos. Most have gone to the Petchaboon site, not because of fighting or persecution in Laos, but because they want access to any future U.S. resettlement program. Many have been encouraged to do this by Hmong-Americans, who have their own agendas. The remainder are likely long-stayers in Thailand who left Laos sometime after the Vietnam War, but there are also certainly some who have recently fled Laos because of fighting or persecution. For various reasons, Thailand has adopted a tough approach to the Petchaboon situation. Until recently, the Lao government has refused to engage with the Thai or anyone else on the Petchaboon Hmong, though constructive Lao engagement on this problem is essential to any resolution.

[1](#)2. (C) UNHCR has worked hard on this issue, but the RTG has so far refused UNHCR access to the Petchaboon group and traditional UNHCR screening would require significant resources that UNHCR does not have at this point. Any possible USG involvement in resettlement of the Hmong is complicated by the material support issue. The new and recent Lao willingness to engage on the Petchaboon issue with the Thai and to accept Lao-Hmong deportees opened the door for the well-publicized deportation of one group in mid-November and led to the current issue of the 152 Hmong at Nong Khai. Strong international opposition seems to have stopped the Thai from moving forward with deportations for the time being. Any solution to the overall Petchaboon Hmong issue will likely require some combination of credible screening of the population in Thailand, credible monitoring of any returnees to Laos and assurances that they will be treated humanely, reduction of the Hmong-American "pull factor," and a commitment by resettlement countries to accept those found to be refugees. End summary.

[1](#)3. (SBU) The complex Petchaboon Hmong situation, which began in mid-2005 when large numbers of Hmong began to move to a site in Thailand's northern Petchaboon Province, continues to defy easy resolution. The recent Thai arrest and threatened deportation of 152 Lao Hmong should be seen against the backdrop of the larger Petchaboon Hmong issue, though the group's arrest occurred in Bangkok. UNHCR and other international organizations, Post, other Embassies, NGOs and

the RTG have engaged on this issue on a regular basis since its inception. Since that time, various factors, which continue to exist, have combined to make a solution elusive.

Who Are the Hmong at Petchaboon?

¶4. (C) MSF, which is providing medical care and food to the Hmong, estimates that the current Petchaboon population numbers about 7,500. This represents a considerable increase in recent months over the approximately 6,000 Hmong who were at the site during the first year. While there cannot be complete certainty about who these Hmong are and why they went to the Petchaboon site, the preponderance of reports from the beginning have suggested that the group can be broken down into three parts: a) Persons who entered Thailand sometime after the Vietnam War and went from other parts of Thailand to Petchaboon where they had been living in the hope of gaining access to any U.S. post-Wat Tham Krabok resettlement program. The number (this and the following numbers are rough estimates) of persons in this group is about 500; b) Persons who entered Thailand recently from Laos, but who were well-settled in Laos and have gone to Petchaboon with the same objective as the first group. The number in this group is about 6,000; and c) Persons who also crossed recently into Thailand from Laos but who have legitimate refugee claims because they are fleeing fighting or persecution (see ref A). The number in this group is about 1,000.

Why Has This Problem Been Intractable?

¶5. (SBU) The normal approach to resolving a situation like Petchaboon would be to seek a tripartite agreement among Thailand, Laos, and UNHCR that would entail interviewing the Petchaboon Hmong to identify those with legitimate refugee claims. Those screened out would be returned to Laos with UNHCR monitoring and assistance to ensure that they are not mistreated and can resume normal lives. For those determined to be refugees, UNHCR would seek a durable solution, either local integration in Thailand or third-country resettlement. Since Thailand in only rare cases has assented to local integration, UNHCR would have to gain the agreement of other countries to resettle the refugees. This comprehensive approach was used successfully in the past with Laos to address post-Vietnam War refugee issues.

¶6. (C) The RTG has so far adopted a tough stance towards the Petchaboon Hmong situation, as demonstrated by its refusal from the start to permit UNHCR access to the group and unwillingness to engage in any structured dialogue with UNHCR and interested countries on a solution. The RTG has also stated that its preference is to deport the Petchaboon Hmong who are from Laos. At the same time, it has recognized that some have legitimate refugee claims. The RTG thinks that formal UNHCR involvement with the population would raise expectations that a large U.S. resettlement program is in the offing and draw even more Hmong from Laos into Thailand. From the experience of the past 18 months, this fear is reasonable.

¶7. (C) Apart from the pull factor worry, there is also a feeling of exhaustion among Thai officials: they see Thailand as having dealt with Hmong refugees for about 30 years and wonder when it will end. They also know that most of the Petchaboon Hmong who have crossed into Thailand (illegally under Thai law) are not fleeing fighting or persecution but seeking U.S. resettlement. Thai officials therefore see this as a challenge to the RTG's control of its own borders. While the RTG is uneasy and unhappy with the Petchaboon situation, it has been unable to come up with a solution. It is also sensitive to international community concerns. In the end, if it were possible, the RTG might look favorably on a comprehensive approach with UNHCR involvement, simply because it would resolve a problem that the RTG itself has found intractable.

¶8. (C) Until recently (see below), the Lao government had refused to acknowledge that any of the Lao-Hmong at Petchaboon are from Laos. It had not engaged on the issue with the RTG or with UNHCR. Despite the recent shift in the Lao government position, Lao assent to a formal, tripartite agreement with the RTG and UNHCR that entails a comprehensive solution is likely not in the cards, nor is Lao agreement to a reopened UNHCR office in Laos.

¶9. (SBU) UNHCR screening of the large Petchaboon Hmong group would require significant resources, which UNHCR would likely request from donor countries. UNHCR would have to deploy additional international staff, recruit more local personnel and interpreters, set up and train interview teams, update country of origin information, ensure uniform application of standards, and establish an appeals procedure. Further, there is little reason to begin such an effort unless there is sufficient commitment from resettlement countries to take those determined to be refugees. Given the limited resettlement quotas of other resettlement countries, U.S. participation would be essential.

¶10. (C) The USG has so far stated that while it will consider individual Hmong cases referred for U.S. resettlement, there would be no large resettlement program for the Petchaboon group. Complicating the issue from the USG perspective is the issue of material support. It is likely that a significant portion of those Petchaboon Hmong who might receive UNHCR refugee status -- those who fled Laos because of fighting or persecution -- might be ineligible for U.S. resettlement because they provided material support to or were combatants for organizations that could be considered terrorist groups under current U.S. law. As previously reported, interim Prime Minister Surayud asked the Ambassador hypothetically in early December whether the U.S. could help with resettling the Petchaboon Hmong when the Ambassador requested that the RTG not deport the 152 at Nong Khai.

¶11. (C) A significant contributing factor to the Petchaboon problem, which has heightened the difficulty of finding a solution, is the encouragement by Hmong-Americans to Hmong in Laos to cross into Thailand to seek resettlement even though they are not fleeing fighting or fear persecution. From a variety of reports, it appears that Vang Pao, persons associated with him, or other Hmong-American groups, for reasons that are not clear to us, have played a prominent role and actively encouraged Lao-Hmong to cross into Thailand. In so doing, these persons are attempting to hijack the normal refugee resettlement process for their own purposes. Their activities are well-known to the RTG. In addition, individual Hmong-Americans, who may simply want their relatives to gain a chance for a better life in the U.S., could be acting on their own and telling their relatives in Laos to go to Petchaboon.

¶12. (C) These activities by Hmong-Americans, even if well-intentioned, have also had the unfortunate and significant negative side-effect of preventing UNHCR and the international community from getting to and assisting those Hmong in Petchaboon who are true refugees in need of assistance. If the Petchaboon population consisted only of these persons, it would be much smaller and a solution easier to find. Any resolution of the Petchaboon problem will require strong and continuing USG dissuasion of Vang Pao or other Hmong-American groups and broad and continuing outreach to the Hmong-American community that they should not be encouraging Lao-Hmong who do not have legitimate refugee claims to cross into Thailand.

What Has Caused the Current Crisis?

¶13. (C) The precipitating factors for the recent deportations or threatened deportations of Hmong to Laos were on both the Lao and Thai sides. The Lao government shifted its policy toward the Petchaboon group several months ago. It told the RTG that it would be willing to accept back small groups of Lao-Hmong after it had received their names and other

identifying information and confirmed that they were from Laos. A Thai National Security Council (NSC) staffer told Refcoord recently that he believed the reason for the change was a Lao government decision, after last year's leadership reshuffle, to seek general improvement of relations with neighboring countries, including Thailand. As a result, the Lao agreed to the outstanding Thai request to engage on the issue.

¶14. (C) At the same time, on the Thai side, Thai NSC chief General Winai Phattiyakul left his position and took on new duties after the military coup in September. His replacement, Prakit Prachaonpachanuk, is not as skilled as Winai and lacks Winai's broader political sense and appreciation of the international community's views on refugee issues in Thailand. In addition, the new Thai Immigration chief has taken a tougher approach on some refugee issues. The recent increase in the numbers of the Petchaboon Hmong might also have heightened concern on the Thai side. As one NSC staffer recently said in a meeting with Embassy personnel, "The Hmong keep coming. What are we supposed to do?"

¶15. (C) With the door opened by the Lao, and with new key, tougher-minded RTG personnel in place, the RTG deported 53 Hmong to Laos on November 15. Ref A stated that there are some reports that this group was comprised of economic migrants and that they received assistance from the Lao Red Cross upon their return. On November 17, the group of 152 Lao-Hmong, about two-thirds of whom have UNHCR refugee status, were arrested in Bangkok, taken to Nong Khai, and threatened with deportation. It is uncertain why the RTG chose this group; it may be partly happenstance, that this group was identified by immigration authorities and arrested, much as groups of North Koreans have been recently. They were not located in Petchaboon and the fact that many have UNHCR refugee status made certain a strong international reaction. What is clear is that the RTG, at least initially, saw this group as no different than the rest of the Petchaboon Hmong, despite their UNHCR status.

¶16. (C) The strong international community reaction, as well as opposition to deportation by the Thai Ministry of Foreign Affairs (MFA), has slowed the momentum towards deportation of the 152 Hmong. UNHCR has referred those in the group with UNHCR refugee status to third countries, including the U.S., for resettlement. It appears at this point, though it is not yet certain, that the Thai government may permit resettlement as an alternative to deportation to Laos. PM Surayud reportedly approved resettlement if the Lao Government agreed. The PM has also apparently endorsed the MFA position that a third party must be involved to monitor the return of any Hmong.

Larger Petchaboon Issue Remains

¶17. (C) Even if there is a favorable resolution for the group of 152, the larger Petchaboon Hmong issue will remain. Given the strong international community reaction against deportation of the 152, the RTG may desist, for the time being, from further deportations. The willingness of the Lao government to engage on this issue, even if only with the RTG, is a positive sign. Thai MFA and NSC sources have told Refcoord that the Lao government has agreed in principle to third party monitoring of any returned Hmong, if the third party is "friendly." (Note: One possible neutral player is ICRC, although ICRC recently told UNHCR that it did not want this job. Representative McCollum, in meetings with senior Lao officials in late December, advocated using the ICRC to monitor the Hmong already resettled within Laos -- a suggestion none of the Lao officials rejected (Refs B-D). IOM, which is signing an MOU with Laos, may be another possibility.) It remains to be seen, however, whether this will translate at some point into a credible returnee monitoring system, and whether the Thai will be insistent on having such a system in place prior to any returns. Another important question is whether the RTG will agree to more

formal discussions with UNHCR and interested countries on a solution to the Petchaboon situation.

¶18. (C) A resolution of this issue will need to include: screening on the Thai side, with at least some UNHCR participation, of the Petchaboon Hmong prior to any returns to Laos; monitored returns to Laos of the screened out with assurances that they will be treated humanely; reduction of the "pull" factor being generated by Hmong-Americans; and agreement by resettlement countries to accept screened-in refugees.

¶19. (U) This message was cleared by Embassy Vientiane.

BOYCE